

54/8

IN THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JERRY LEON MASON
petitioner,

v.

TRACY MCCOLLUM, warden
respondent,

Case NO.

15-CV-167-GKF-TLW

FILED

MAR 2 2016

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Response to order petitioner has not
received response filed by respondent
DKt. #11) and defendant ask for copy
of case number of the amended petition
which remains pending and has not been
dismissed,

☒ Mail ☐ No Cert Svc ☐ No Orig Sign
☐ C/J ☐ C/MJ ☒ C/Ret'd ☐ No Env
☐ No Cpys ☐ No Env/Cpys ☐ O/J ☐ O/MJ

Jerry Mason
2-26-16

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

JERRY LEON MASON,

Petitioner,

V.

TRACY McCOLLUM, Warden,

Respondent.

Case No. 15-CV-167-GKF-TLW

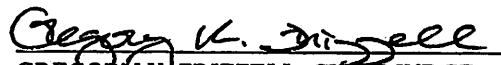
ORDER

This is a 28 U.S.C. § 2254 habeas corpus action. Petitioner is a state inmate appearing pro se. On April 16, 2015, Petitioner filed an amended petition (Dkt. # 3). On June 26, 2015, Respondent filed a response (Dkt. # 11). Petitioner filed a reply (Dkt. # 12).

This case has been fully briefed and remains pending. The amended petition has not been dismissed. Nonetheless, on February 11, 2016, Petitioner filed a largely unintelligible document (Dkt. # 13), requesting “rehearing because case was dismiss[ed] without prejudice,” *id.* at 2, and stating his “intent to appeal to: Tenth Circuit Court of Appeals in the United States,” *id.* at 3. Conspicuously absent from the request for rehearing is a designation of an order to be reheard. Similarly, absent from the “notice of intent to appeal” is a designation of “the judgment, order, or part thereof being appealed.” *See* Fed. R. App. P. 3(c)(1)(B). Because the amended petition remains pending and has not been dismissed, Petitioner’s request for rehearing is improperly filed. For that reason, the motion for rehearing is denied.

ACCORDINGLY, IT IS HEREBY ORDERED that Petitioner's motion for rehearing (Dkt. # 13) is improperly filed and is **denied**.

DATED this 17th day of February, 2016.


GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

**UNITED STATES COURT OF APPEALS
TENTH CIRCUIT**

Office of the Clerk
Byron White United States Courthouse
Denver, Colorado 80257

Elisabeth A. Shumaker
Clerk of Court

Chris Wolpert
Chief Deputy Clerk

February 17, 2016

Jerry Leon Mason
124786
D-2-18
Oklahoma State Reformatory
PO Box 514
Granite OK 73547

Dear Mr. Mason:

This is in response to your letter dated February 8, 2016. The case number you supplied refers to a district court case, which is still pending. No final or otherwise appealable order has been entered by the district court and no notice of appeal was filed. As noted in the court's previous correspondence, you do not have an active appeal pending in this court. The court will not respond to any further inquiries which pertain to this matter and which do not have a court of appeals case number.

Very truly yours,



Ellen Rich Reiter
Jurisdictional Attorney

✓

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

JERRY LEON MASON,

Appellant,

FILED

APPELLATE CASE

IN COURT OF CRIMINAL APPEALS NO. C-2014-576

vs.

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

JUL 29 2014

Appellee. MICHAEL S. RICHIE
CLERK

RECEIVED

JUL 29 2014

ATTORNEY GENERAL

MOTION TO DISMISS APPEAL FOR LACK OF JURISDICTION

Cindy Danner, Chief of the General Appeals Division of the Oklahoma Indigent Defense System (OIDS), moves this Court to dismiss the appeal in this case without prejudice to Mr. Mason's right to appeal should an appeal out of time be properly perfected. This request is made because the Notice of Intent to Appeal and Designation of Record were not filed within the ten days following denial of the Motion to Withdraw Plea. Filing of the Notice of Intent to Appeal and Designation of Record in the District Court within ten days from denial of the Motion to Withdraw Plea is jurisdictional. *See Rule 4.2 (D), Rules of the Court of Criminal Appeals, 22 O.S. 2011, Ch. 18, App.* In support of this motion, the Court is asked to note the following:

1. In Tulsa County District Court Case No. CF-2012-4414, Mr. Mason entered pleas of nolo contendere to two counts of first degree rape, one count of forcible sodomy, and one count of first-degree burglary on May 13, 2014.
2. Formal Judgment and Sentence were imposed on May 13, 2014. Mr. Mason was sentenced to twenty-five years' imprisonment for each count in the Department of Corrections and ordered to pay court costs and fees. The sentences were ordered to be served



UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Office of the Clerk
Byron White United States Courthouse
Denver, Colorado 80257

RECEIVED
U.S. COURT OF APPEALS
10TH CIRCUIT
2016 FEB 16 PM 12:20

Elisabeth A. Shumaker
Clerk of Court

Chris Wolpert
Chief Deputy Clerk

February 1, 2016

Jerry Leon Mason
124786
D-2-18
Oklahoma State Reformatory
PO Box 514
Granite OK 73547

vs. (case No. 15-CV-167-GKF-TLW)

(case No. 4:15-cv-00167-GKF-TLW)

(case No. CP-2012-4414)

Dear Mr. Mason:

The court is returning the documents you sent to the court. You do not have an active appeal pending in this court.

These are the active
appeals, and order
attach.

Very truly yours,

Ellen Rich Reiter

Ellen Rich Reiter
Jurisdictional Attorney

Enc.

Jerry Mason
2-8-16

Derry Mason #124786
Oklahoma State Reformatory D-2-18
P.O. Box 514
Granite, Oklahoma 73547

RECEIVED

MAR 2 2016

Phil Lombardi, Clerk
U.S. District Court

LEGAL MAIL
2/16

15-CV-107-GRF-TW

Clerk United States
District Court
Northern District of Oklahoma
U.S. Courthouse
Tulsa, Oklahoma 74103-3819



U.S. POSTAGE® FIRST CLASS
ZIP CODE 74103
\$001.20
0101397683 FEB 26 20